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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,785	05/05/2000	SIMON A BEDDUS	36-1338	3443

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NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,785

Applicant(s)

BEDDUS ET AL.

Examiner

Inder P Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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Response to Amendment

1. This is in response to an amendment B dated 8/28/03 which has been fully considered and made of record. Based on this amendment, claim 1 has been cancelled. Claims 2-18 are now pending. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. ***Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).***

Claim Objections

2. Claims 3-18 are objected to because of the following informalities:

Claims 3 (line 14), 8 (line 14) and 10 (line 16) recites the limitation "***the request***". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "***the said port***" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "***the first terminal***" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-3 and 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **P.Mikelaitis** (A Tutorial on ISDN customer call control, part 1, the telecommunication journal of Australia, vol. 38, No. 1, pages 75-92, XP002075878), hereinafter, Mikelaitis in view of **Christensen et al** (US Patent no. 5,561,666), hereinafter, Christensen.

For claims 2-3 and 8-18, Mikelaitis discloses a method of operating a communications systems including terminals (claim 9), refer to paragraph 4.3 and figs. 5.1 and 5.2, comprising:

- exchanging (see figs. 5.3 and 5.8, paragraphs 5.4 and 5.5 respectively) between communication terminals (“customers”) call control capability data (“signaling dialogue”, refer to paragraph 4), which call control capability data identifies for each respective terminal a selected one or more of a plurality of different call control capability data (message sequences, refer to paragraph 4 and individual characteristics (protocols and different network addresses), refer to paragraph 4;
- setting up a call between the said communications terminals using call control protocols or network addresses, paragraph 4 (capability data), (setup control, refer to paragraph 4);
- wherein the exchanging of the call control capability data is carried out **prior to initiating call set up, as recited by claims 2, 15-18**, (once the network is able to proceed with the call (i.e all necessary information is available to the exchange) a signaling association over CCSS No. 7 is established between the calling and called exchanges , paragraph 5.4, once the D-channel signaling dialogue results in network wide connection for user traffic----a customer can not only **transfer information ---but can also transfer user information**, paragraph 5.5).

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- wherein a first one of the commuting terminals initiates the exchange of call control capability-----*returns an acknowledgement to request ----includes call control capability data for ---terminals, as recited by claim 3,* (messages of both groups, connect acknowledge, set up acknowledge), refer to paragraphs 5.4 and 5.5.

Mikelaitis discloses, “wherein the exchanging of the call control capability data is carried out *prior to initiating call set up, as recited by claims 2, 17 and 18, and 18, as explained above;*

However, Christensen discloses expressly, “wherein the exchanging of the call control capability data is carried out *prior to initiating call set up* (a station---network *determines the mode in which it communicates with a concentrator port by establishing a Registration routing----*. *The station and concentrator port exchange frames which disclose the capabilities of concentrator port, refer to abstract, and co. 2 lines 17-22.*

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of , “exchanging of the call control capability data is carried out *prior to initiating call set up*” . The capability can be implemented by the user network interface (UNI) to initiate and determine the mode and carry the capability data *prior to initiating call set up*. The suggestion/motivation to do so would have been to match the traffic types and quality of service requirements.

For claims 11 and 12, Mikelaitis discloses, “wherein the call control capability data for the second terminal identifies one of the following: (i) a plurality of-----protocols, (ii) a

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plurality of different network addresses, and (iii) at least on call control protocol and at least one network addresses, (ine information they carry specify the individual characteristics---can include amongst others, the following: destination address and originating addressrefer to paragraph 4.

For claim 13, Mikelaitis discloses, “wherein the first terminal receives notification of the exchange of the exchange of notification of the exchange of call control capability data prior to setting up the call, refer to fig. 5.3b and Mikelaitis discloses, “once the exchange is able to proceed with the call it sends a call processing to the terminal, refer to paragraph 5.4.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **P.Mikelaitis and Christensen**, as applied to claim 3 above, and further in view of **Katsube** (US Patent no. 4,984,264).

For claims 4 and 5, Mikelaitis and Christensen disclose a method comprising the steps described in paragraph 4 of this office action.

Mikelaitis and Christensen disclose all the subject matter of the claimed invention with the exception of :

- monitoring continuously at a communications terminal a communication port and carrying out the exchange of call control capability data whenever a request is received at the said port, as recited by claim 4;
- monitoring of the communications port continues after a call has been set up, as recited by claim 5;

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Katsube discloses monitoring continuously at a communications terminal a communication port and carrying out the exchange of call control capability data whenever a request is received at the said port, refer to col. 7 lines 54-63 ; and monitoring of the communications port continues after a call has been set up, refer to col. 7 lines 43-50;

A person of ordinary skill in the art would have been motivated to employ Katsube's cell flow monitoring system into Mikelaitis's "Tutorial on ISDN customer call control" in order to monitor and control the execution of exchange of data across two terminals. The suggestion/motivation to do so would have been to transmit successfully information from terminals having various characteristics.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **P. Mikelaitis and Christensen**, as applied to claim 3 above, and further in view of **Markgraf et al** (US Patent no. 6,181,691), hereinafter, Markgraf.

For claims 6 and 7, Mikelaitis and Christensen disclose a method comprising the steps described in paragraph 4 of this office action.

Mikelaitis and Christensen disclose all the subject matter of the claimed invention with the exception of :

- communicating as part of the said call control capability data a pointer to a source of further data identifying capabilities not provided for directly in the call control capabilities exchange protocol, as recited in claim 6;
- the pointer is a uniform resource locator (URL), as recited by claim 7;

Markgraf discloses communicating as part of the said call control capability data a

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pointer to a source of further data identifying capabilities not provided for directly in the call control capabilities exchange protocol; and the pointer is a uniform resource locator (URL); (URL specifies high level communication function like “set up connection” and “participate in connection”, refer to abstract and col. 3 lines 10-15 and col. 4 lines 25-30.

A person of ordinary skill in the art would have been motivated to employ Markgraf's telephone system into Mikelaitis's “Tutorial on ISDN customer call control” in order to provide “URL” pointer. The suggestion/ motivation to do so would have been to transmit successfully information from terminals having various characteristics.

Response to Arguments

7. Applicant's arguments filed 8/28/03 have been fully considered but they are not persuasive.

8. Applicant argues, “Mikelaitis fails to disclose, “wherein the exchanging of the call control capability data is carried out prior to initiating a call set-up”.

In response, it is stated that Mikelaitis discloses, “once the network is able to proceed with the call (i.e all necessary information is available to the exchange) a signaling association over CCSS No. 7 is established between the calling and called exchanges , paragraph 5.4, once the D-channel signaling dialogue results in network wide connection for user traffic----a customer can not only *transfer information --but can also transfer user information*, paragraph 5.5).

Further, Christensen discloses expressly, “wherein the exchanging of the call control

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capability data is carried out *prior to initiating call set up* (a station---network *determines the mode in which it communicates with a concentrator port by establishing a Registration routing---*. *The station and concentrator port exchange frames which disclose the capabilities of concentrator port, refer to abstract, and co. 2 lines 17-2.*

In light of above explanation, arguments provided by Applicant are not persuasive.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

10. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

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If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, sixth floor (Receptionist).


Inder Mehra

November 22, 2003



DANG TON
PRIMARY EXAMINER